

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00605
Date Received: 8/22/1988
Receipt No: E001554/E008725
Received By: ED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ISLAND WARD CANAL CO. 208-356-6207
Address: 3519 WEST 2000 NORTH
REXBURG, ID 83440

2. Date of Priority: JAN 23, 1901

3. Source: TETON RIVER, NORTH FORK Trib. to: HENRYS FORK, SNAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	6	NW	SE	NE		MADISON

5. Description of diverting works:
55' WIDE CONCRETE DAM W/ROCK RIP-RAP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	100.000		
STOCKWATER	03/01	12/01	0.330		
GROUNDWATER RECHARGE	01/01	12/31	20.000		

7. Total Quantity Appropriated is:
100.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 8172.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 1500 HEAD OF CATTLE/HORSES. GROUND WATER RECH.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	9	SW	SW		IRR	9.0

A22-00605

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Date: 06/02/89

RECORDED
OCT 28 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	9	SE		SW		IRR	28.0
			SW		SE		IRR	38.0
			SE		SE		IRR	40.0
							Section Acres	115.0
		10	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	20.0
			SE		NW		IRR	20.0
			NE		SW		IRR	38.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	35.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0
							Section Acres	589.0
		11	SE		NE		IRR	20.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	500.0
		12	NE		NW		IRR	37.0
			NW		NW		IRR	38.0
			SW		NW		IRR	40.0
			SE		NW		IRR	38.0

RECORDED
OCT 28 1989

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	12	NE		SW		IRR	20.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	20.0
							Section Acres	272.0
		14	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
			NE		NW		IRR	37.0
			NW		NW		IRR	33.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	7.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	10.0
							Section Acres	302.0
		15	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	36.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	32.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	626.0
		16	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	15.0

RECORDED

OCT 28 1989

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
06N	39E	16	SW		NW		IRR	40.0	
			SE		NW		IRR	40.0	
			NE		SW		IRR	35.0	
			SE		SW		IRR	40.0	
			NE		SE		IRR	40.0	
			NW		SE		IRR	30.0	
			SW		SE		IRR	40.0	
			SE		SE		IRR	30.0	
			Section Acres						510.0
		21	NE		NE		IRR	30.0	
			NW		NE		IRR	30.0	
			SE		NE		IRR	15.0	
			NE		NW		IRR	40.0	
			NW		NW		IRR	10.0	
			SE		NW		IRR	20.0	
			Section Acres						145.0
		22	NW		NE		IRR	10.0	
			NE		NW		IRR	40.0	
			NW		NW		IRR	40.0	
			SW		NW		IRR	40.0	
			SE		NW		IRR	40.0	
			NW		SW		IRR	40.0	
			Section Acres						210.0
			Total Acres						3269.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A22-04115

14. Remarks:
P/U LANDS OF STOCKHOLDERS. APROX. 3,000 AC. P/D ISLAND WARD
CANAL, WD01 RECORDS. TRANSFER #220. SAME P/D AS A22-04155.
**** AMENDMENT FILED TO RECORD STOCKWATERING AND GROUNDWATER
RECHARGE DONE DURING NON-IRRIGATION SEASON.

15. Basis of Claim: DECREED

NOTED

OCT 28 1992

Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Island Ward Canal Co., that I have signed the foregoing
document in the space below as Secretary of
Island Ward Canal Co. and that the statements contained in the
foregoing document are true and correct.

Ross K. Clements
Signature of Authorized Agent

Island Ward Canal Co.
Title and Organization

6/2/89
Date

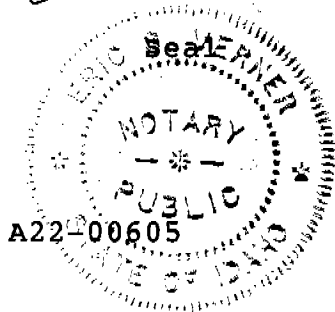
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 89

[Signature]
Notary Public

Residing at Wahoe Falls, B

My Commission Expires 22 Aug 1994



UNRECORDED

OCT 28 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00605
Date Received: 8/19/1988
Receipt No: 6001554
Received By: FRY/SSS

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ACQUIRED UNDER STATE LAW

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REXBURG, ID 83440
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55' WIDE CONCRETE DAM W/ROCK RIP-RAP.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	100.000		
7. Total Quantity Appropriated is:
100.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 8172.5 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	9	SW	SW		IRR	9.0
			SE	SW		IRR	28.0
			SW	SE		IRR	38.0
			SE	SE		IRR	40.0

Section Acres 115.0

A22-00605

Page 1

Date: 08/19/88

RECORDED

OCT 28 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	10	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	20.0
			SE	NW		IRR	20.0
			NE	SW		IRR	38.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	35.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0

Section Acres 589.0

11	SE	NE	IRR	20.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 500.0

12	NE	NW	IRR	37.0
	NW	NW	IRR	38.0
	SW	NW	IRR	40.0
	SE	NW	IRR	38.0
	NE	SW	IRR	20.0
	NW	SW	IRR	40.0
	SW	SW	IRR	39.0
	SE	SW	IRR	20.0

Section Acres 272.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	14	NE		NE		IRR	35.0
			NW		NE		IRR	20.0
			NE		NW		IRR	37.0
			NW		NW		IRR	33.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	7.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	10.0

Section Acres 302.0

15	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	36.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	38.0
	SW	SW	IRR	32.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 626.0

16	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	15.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	35.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	16	SW	SE		IRR	40.0
			SE	SE		IRR	30.0
			Section Acres				510.0
		21	NE	NE		IRR	30.0
			NW	NE		IRR	30.0
			SE	NE		IRR	15.0
			NE	NW		IRR	40.0
			NW	NW		IRR	10.0
			SE	NW		IRR	20.0
			Section Acres				145.0
		22	NW	NE		IRR	10.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NW	SW		IRR	40.0
			Section Acres				210.0
			Total Acres				3269.0

11. Place of use in counties: MADISON

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14. Remarks:
P/U LANDS OF STOCKHOLDERS. APROX. 3,000 AC. P/D ISLAND WARD
CANAL, WD01 RECORDS. TRANSFER #220. SAME P/D AS A22-04155.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

For Organizations:

I do solemnly swear or affirm that I am Sec. of _____ Title _____

Island Ward Canal Co. Organization, that I have signed the foregoing document in the space below as Sec. of _____ Title _____

Island Ward Canal Co. Organization and that the statements contained in the foregoing document are true and correct.

Pat Clements
Signature of Authorized Agent

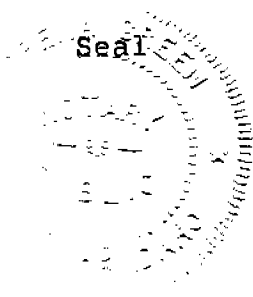
Sec. Island Ward Canal Co.
Title and Organization

8/22/88
Date

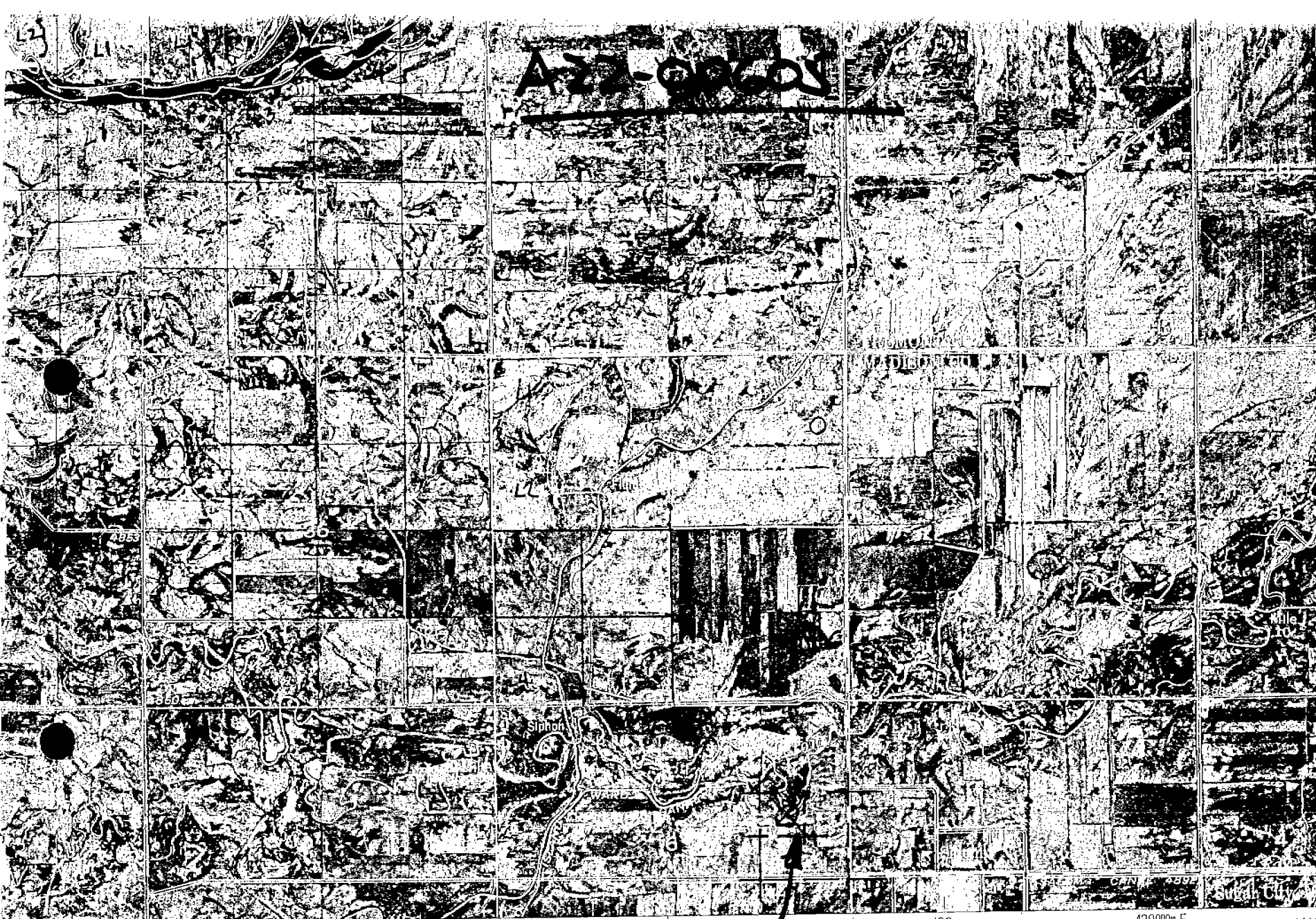
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22ND day
of August 19 88

Deena Green
Notary Public



Residing at Ridgely
My Commission Expires 4-22-1994



4062

4061

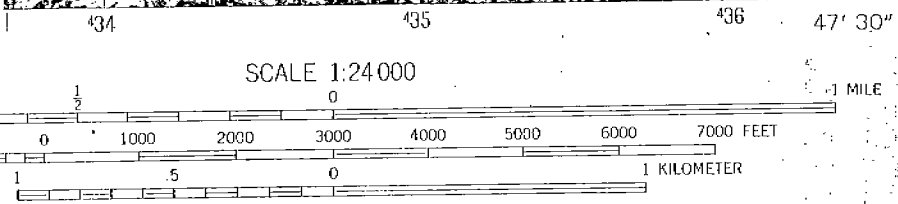
4060

T. 7 N.

4059000 N

T. 6 N.

43° 52' 30"
111° 45'



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3

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R40E

PARKER, IDAHO

N4352.5 W11145.7 5

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO, }
County of Madison } ss.

Island Ward Canal Company, being first duly sworn, deposes and says: That his postoffice address is Rexburg, Idaho; That he is the owner of and using a certain water right, bearing date of priority of January 23, 1901, for 100 cubic feet per second of the waters of the Teton River, County of Madison, State of Idaho, decreed to Island Ward Canal Company, by decree of Judge J. M. Stevens, of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company vs. Teton Irrigation Canal Company said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 36, in the County of Madison, and State of Idaho, to-wit: Approximately 3000 acres in Sections 9, 10, 11, 15, 16, 20, and 21 all in Township 6 North, Range 39 E. B. M.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: Decreed

That said waters are now diverted from said stream in the NW 1/4 NW 1/4 of Sec. 5, Twp. 6 N., Range 40 E., and conducted to the above described lands through the Island Ward Canal Co. ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in NE 1/4 NE 1/4, Sec. 6, Twp. 6 N., Range 40 E., and thereafter conduct same to the above described land through the _____ ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows: Shorten canal approximately 1/8 of a mile. Do away with the hazard of the river washing into canal along approximately 1/8 of a mile where river and canal are now running parallel and within a few feet of each other.

That no one will be injured by such change and that such change will be made at affiant's own risk.

J. F. Sellers
J. F. Sellers, President of Affiant.
Island Ward Canal Company

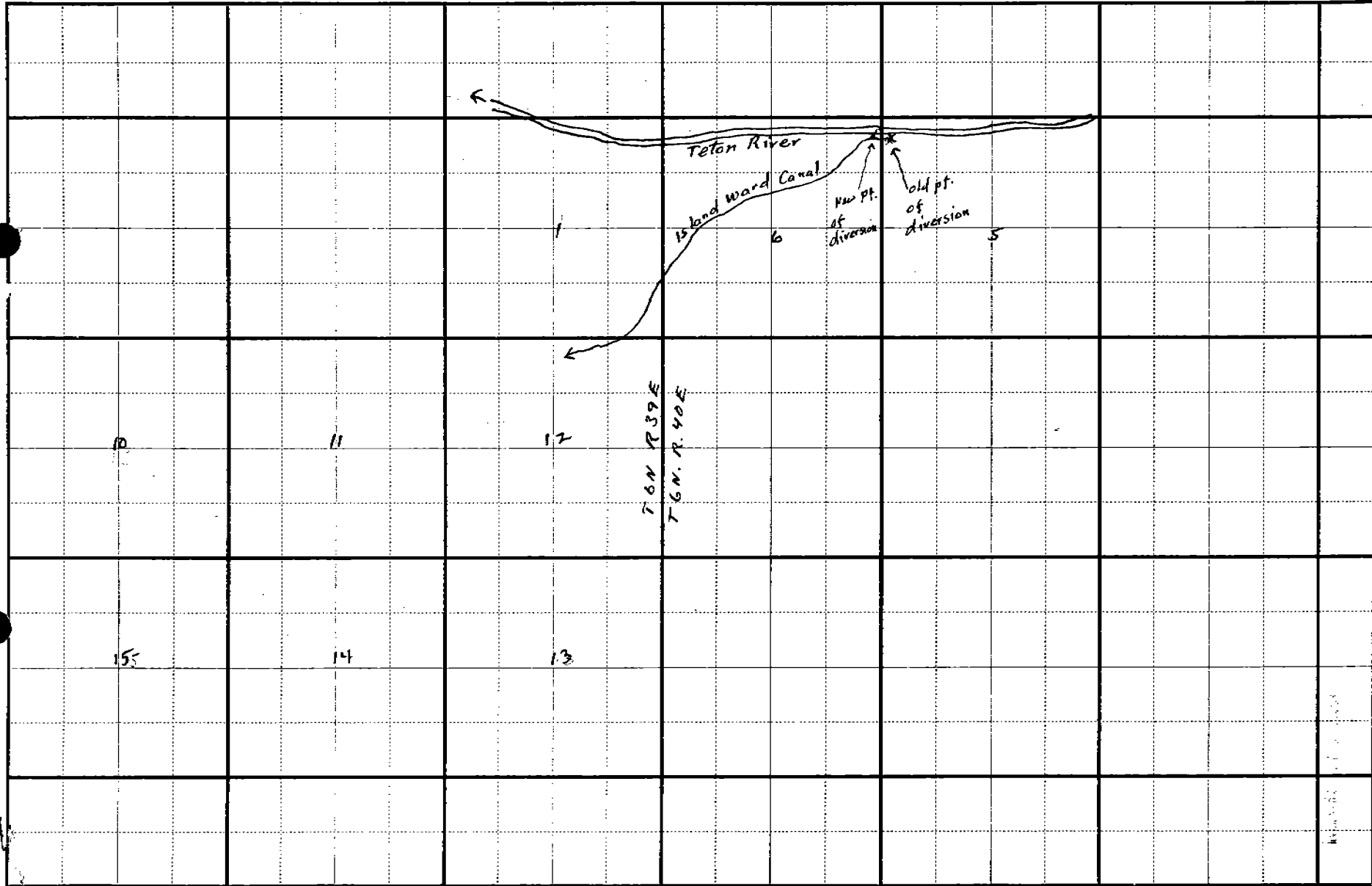
Subscribed and sworn to before me this _____ day of _____, 19____.

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

22-00605

Ward Canal Co.

NAME OF APPLICANT.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

SCALE: ONE INCH TO ONE MILE

Township

Range

74100

1/8 Sec. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

6	5	4	3	2	1
7	8	9	10	11	12
13	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

MEMO

TO: A22-00605, Island Ward Canal Co.

DATE: Aug. 30, 1988

FROM: Eric Verner

RE: Adjudication claim.

Mr. Clements, Sec. Island Ward Canal, wanted to be sure the record on claim A22-00605 was clear as to the current delivery practices on the Island Ward Canal. As the attached agreement b/t other tributary canals states, the Island Ward is required to carry any excess water flowing out of the Consolidated Farmers Canal Co. Historically the excess flows from this, and other tributary ditches, has meet the irrigation needs of the Island Ward share holders. In other words most of the time the entire amount of water decreed to the Island Ward is not diverted at its headgate. Water District records would show that little if any water is diverted from the Island Ward's headgate. Water used to fill shareholders rights comes from excess or waste flows from tributary canals and ditches.

The Board of Island Ward is concerned that if the other canals are cut back so as to diminish excess or "waste water" flows into the Island Ward canal that the Island Ward be allowed to take the entire decreed flow from their headgate. No measurements are available as to these excess flows, but records to show that share holders of Island Ward Canal have received their fare share of water from the Canal Company.

UNRECORDED

OCT 28 1988

To Whom it May Concern

The Island Ward Canal Co. is bound by contract to take all the water the Salem Irrigation Canal Co wishes to send. (See attachment location is described) At a point NW 4 of the NE 4 sec. 12 the Consolidated Farmers Canal Co. empties into the Island Ward Canal Co. Also. Many of the stockholders of the Island Ward Canal Co are also stockholders of the Consolidated Farmers Canal Co but if the tailings from these two canals are withheld at some future date the Island Ward Canal Co. would certainly need the full ^{Jan. 23} June 1, 1901 decree of 100 cfs. We would appreciate complete consideration of these facts in the adjudication of our share.

Ross & Clements
Island Ward Canal Sec.

MICROFILMED

OCT 28 1992

MINUTES OF MEETING OF BOARD OF DIRECTORS OF THE ISLAND
WARD CANAL COMPANY, LTD., HELD JULY 22, 1935, at 1:30 P.M.

The Board of Directors of the Island Ward Canal Company, Ltd., met in special session at the office of the company at o'clock P.M., pursuant to call by the President.

Present the following members of the Board:

Mr. R. W. Preece President.
Mr. Cecil T. Clements Secretary.
Mr. Josiah Hendricks
Mr. John F. Lee
Mr. A. W. Jensen

Mr. Preece, Chairman of the Board, stated the purpose of the meeting as given in the call, which was to consider the transfer, control and use of the lower part of the Salem Irrigation Canal Company's canal to this company, and the following proceedings were had:

Mr. John F. Lee introduced and moved the adoption of the following Resolution:

WHEREAS Heretofore and on or about the 23rd day of March, 1903, the Salem Irrigation Canal Company by its Board of Directors entered into an agreement with this company, the Island Ward Canal Company, Ltd., which agreement was ratified by the stock holders of this company and acted upon by both of said companies, and was entered in the minutes of the meeting of the Board of Directors of this company on the 23rd day of March, 1903, and was in the following form:

"CONTRACT AND DEED

"KNOW ALL MEN BY THESE PRESENTS

"That on the 23rd day of March 1903, the Salem Canal Co., parties of the first part, have sold to the Island Ward Canal Co. (Limited), parties of the second part, that part of their canal below where the two companys ditches now comes together at a point about 30 rods West of the North East Corner of Sec. 12 Township 6

North, 39 East of the Boise Meridian, for the sum of One Dollar, with the following conditions: That the parties of the second part take care of all water that may be turned into that part of the canal from the Salem Canal Co. Canal or elsewhere, and further that they furnish Henry Rock water according to the No. of shares he owns in the Salem Canal Co. equal with any other share holder of equal No. of shares, providing that there is water coming from the Salem Canal Co. equal to his said shares." and,

WHEREAS No writing of said agreement was made, except as entered in the minutes of the meeting of the Board of Directors of this company as aforesaid; and,

WHEREAS The directors of this company and the stock holders of said Salem Irrigation Canal Company, and the stock holders of this company and the Board of Directors of both of said companies desire to perpetuate the terms and conditions of said agreement and to have a permanent public record thereof in the office of the Recorder of Madison County, Idaho.

NOW THEREFORE Be it resolved by the Board of Directors of the Island Ward Canal Company, Ltd., that a contract between the said Salem Irrigation Canal Company on the one part, and this company on the other part be drawn, embodying the aforesaid agreement and showing that said agreement had been accepted and acted upon by both of said companies, and that said Island Ward Canal Company, Ltd. had accepted and assumed the control and management of the Canal as stated in said agreement, and binding the said companies to the conditions of said agreement for all time, and that the President of this company be and he is hereby authorized to sign and execute such a contract in behalf of this company, and the Secretary be and he hereby is authorized and directed to affix the corporate seal of this company to such contract, and that said officers acknowledge the execution of said contract so as to entitle the same to be recorded in the office of the Recorder of Madison County.

Mr. Josiah Hendricks

seconded the motion to adopt the said Resolution, and a vote being taken all members of the Board voted for the adoption thereof, and no one voted against it. It was thereupon ordered that such a contract be made.

R. W. Bruce
President.

Leil T. Clements
Secretary.

Jan Hendrickson
Augerson
John F. Lee